

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTINE LAVORE,

Plaintiff,

v.

BOSTON SCIENTIFIC CORP.,

Defendant.

No. 4:20-CV-00780

(Judge Brann)

ORDER

AND NOW, this 25th day of June 2020, in accordance with the accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Summary Judgment, Doc. 50, is **GRANTED IN PART AND DENIED IN PART**.
2. The following Counts survive summary judgment.
 - a. Count I – Negligence
 - b. Count II – Strict Liability – Design Defect
 - c. Count IV – Strict Liability – Failure to Warn
 - d. Count IX – Punitive Damages
3. The following Counts are dismissed with prejudice.
 - a. Count III – Strict Liability – Manufacturing Defect
 - b. Count V – Breach of Express Warranty
 - c. Count VI – Breach of Implied Warranty

d. Count VIII – Discovery Rule, Tolling and Fraudulent
Concealment

4. Upon resolution of the remaining claims in the case the Clerk of Court is directed to enter judgment against Plaintiff, and in favor of Defendant, Boston Scientific Corp., on Counts III, V, VI and VIII.
5. A telephonic status conference will be scheduled by separate Order.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge